

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Samuel Ross	Team: Squad #6	CCRB Case #: 201801675	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 01/20/2018 4:30 PM	Location of Incident: Monroe Street and Marcus Garvey Boulevard; 81st Precinct stationhouse	Precinct: 81	18 Mo. SOL 7/20/2019	EO SOL 7/20/2019	
Date/Time CV Reported Thu, 03/01/2018 11:05 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 03/01/2018 11:05 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SSA EreK Powers	05297	944907	081 PCT
2. POM Abel Lovera	01160	954081	081 PCT
3. POM Joseph Sferrazza	19468	951237	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Franky Joseph	30527	940320	081 PCT
2. SGT Nik Alix	01274	936119	081 PCT
3. POM Jonathan Forte	21722	962409	081 PCT
4. SGT Shaun Tanner	03691	933401	077 PCT
5. SGT Michael Petrone	02563	937285	081 PCT
6. DTS Courtney Wallace	07125	898737	081 PCT
7. POM Shawn Deluca	21706	959590	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Abel Lovera	Abuse: At Monroe Street and Marcus Garvey Boulevard in Brooklyn, Police Officer Abel Lovera stopped the vehicle in which § 87(2)(b) was an occupant.	
B.SSA EreK Powers	Abuse: At Monroe Street and Marcus Garvey Boulevard in Brooklyn, Sergeant EreK Powers refused to provide his name to § 87(2)(b)	
C.POM Abel Lovera	Abuse: At Monroe Street and Marcus Garvey Boulevard in Brooklyn, Police Officer Abel Lovera refused to provide his name to § 87(2)(b)	
D.POM Joseph Sferrazza	Abuse: At Monroe Street and Marcus Garvey Boulevard in Brooklyn, Police Officer Joseph Sferrazza refused to provide his name to § 87(2)(b)	
E.SSA EreK Powers	Abuse: At the 81st Precinct stationhouse, Sergeant EreK Powers detained § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB via telephone on March 1, 2018.

On January 20, 2018, at approximately 4:30 PM, § 87(2)(b) was riding in his sister § 87(2)(b)'s vehicle. § 87(2)(b) was the operator. § 87(2)(b) At the intersection of Monroe Street and Marcus Garvey Boulevard in Brooklyn, PO Abel Lovera of the 81st Precinct stopped § 87(2)(b)'s vehicle (**Allegation A: Abuse of Authority, § 87(2)(g)**). PO Lovera was with Sgt. Ereka Powers and PO Joseph Sferrazza of the 81st Precinct. When § 87(2)(b) and Sgt. Powers engaged in a dispute, Sgt. Powers took § 87(2)(b)'s § 87(2)(b) card and instructed her to report to the 81st Precinct stationhouse. § 87(2)(b) asked Sgt. Powers, PO Lovera, and PO Sferrazza for their names. However, Sgt. Powers, PO Lovera, and PO Sferrazza allegedly refused to provide their names to § 87(2)(b) (**Allegation B: Abuse of Authority, § 87(2)(g)**; **Allegation C: Abuse of Authority, § 87(2)(g)**; **Allegation D: Abuse of Authority, § 87(2)(g)**).

§ 87(2)(b) and § 87(2)(b) then went to the 81st Precinct stationhouse in Brooklyn. Sgt. Powers, PO Lovera, and PO Sferrazza also responded to the stationhouse. Sgt. Powers reported his dispute with § 87(2)(b) to the acting duty captain, initiating an internal NYPD investigation regarding their confrontation.

As § 87(2)(b) waited for § 87(2)(b) at the stationhouse, Sgt. Powers obtained § 87(2)(b)'s identification card, ran § 87(2)(b)'s information in an NYPD database, and determined that there was an open warrant which he believed to be associated with § 87(2)(b). As such, § 87(2)(b) was placed in handcuffs and was lodged in a holding cell at the 81st Precinct stationhouse until he was transported to Brooklyn Central Booking on January 21, 2018 (**Allegation E: Abuse of Authority, § 87(2)(g)**). However, the warrant in regard to which § 87(2)(b) was detained bore the name § 87(2)(b) and not the name § 87(2)(b). At arraignment, a judge determined that § 87(2)(b) had been detained in error and released § 87(2)(b) on his own recognizance.

There is no video associated with this case. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) The investigation was unable to obtain the NYPD case file.

Findings and Recommendations

Allegation A: Abuse of Authority—At Monroe Street and Marcus Garvey Boulevard in Brooklyn, Police Officer Abel Lovera stopped the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that PO Lovera stopped § 87(2)(b)'s vehicle at the intersection of Monroe Street and Marcus Garvey Boulevard in Brooklyn.

§ 87(2)(b) (Board Review 01) stated that when she asked why she had been stopped, an unspecified officer informed her that she had failed to signal. She did not dispute the allegation,

as she did not know specifically whether or not she had failed to use her signals, but believed that she may have failed to do so. She did not receive a summons.

PO Lovera (Board Review 02) was the operator of the officers' vehicle. Sgt. Powers (Board Review 03) sat in the front passenger seat. Both PO Lovera and Sgt. Powers stated that while they were on patrol, they observed § 87(2)(b)'s vehicle travelling at a high rate of speed and changing lanes multiple times without signaling. PO Lovera stated that he initiated the vehicle stop without any instruction from Sgt. Powers and solely on the bases of these observed VTL violations.

According to New York State Vehicle and Traffic Law 1163(c), a driver must use a signal to indicate an intention to change lanes (Board Review 04). Further, according to *People v. Robinson* 97 N.Y.2d 341 (2001), an officer may lawfully stop a vehicle when he or she has probable cause to believe that the driver of the vehicle has committed a traffic violation (Board Review 05).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation B: Abuse of Authority—At Monroe Street and Marcus Garvey Boulevard in Brooklyn, Sergeant EreK Powers refused to provide his name to § 87(2)(b)

Allegation C: Abuse of Authority—At Monroe Street and Marcus Garvey Boulevard in Brooklyn, Police Officer Abel Lovera refused to provide his name to § 87(2)(b)

Allegation D: Abuse of Authority—At Monroe Street and Marcus Garvey Boulevard in Brooklyn, Police Officer Joseph Sferrazza refused to provide his name to § 87(2)(b)

[REDACTED] stated that after she provided her NYPD identification card to PO Lovera, PO Sferrazza looked into the rear seat and said to § 87(2)(b) "You look familiar." § 87(2)(b) took this statement to mean that PO Sferrazza believed § 87(2)(b) to be a criminal. She did not take it to be an innocuous remark. § 87(2)(b) said, "Come on man, chill." PO Sferrazza said, "What do you mean, 'chill?' Would you like it if an officer told you to chill?"

Sgt. Powers then asked § 87(2)(b) to exit the vehicle and walk with him to the rear. She complied and spoke with him at the rear of her vehicle. She explained that she did not like how PO Sferrazza had spoken to her brother. Sgt. Powers spoke to her but she did not listen to his remarks. She was frustrated and replied in a disinterested manner.

Sgt. Powers then turned to return to the officers' vehicle. PO Lovera and PO Sferrazza turned with him. As they turned, § 87(2)(b) asked them all, "Can I get your names?" The request was directed to all three officers, who were each standing within two feet of her. She believed that they all heard her request. Sgt. Powers turned toward her and said, "Oh, you want names? Give me your ID and ten-two to the eight-one," meaning he wished her to report to the 81st Precinct stationhouse. Neither Sgt. Powers, nor PO Lovera, nor PO Sferrazza provided their name to § 87(2)(b) at this time or at any later time during the incident. The officers reentered their vehicle and drove away.

§ 87(2)(b) stated that later, at the 81st Precinct stationhouse, either PO Lovera or PO Sferrazza told her that they had been frustrated with her request for their names because they feared she intended to file a CCRB complaint against them.

§ 87(2)(b) (Board Review 06) stated that when § 87(2)(b) exited the vehicle to speak with Sgt. Powers, he was initially unable to hear their conversation. When their tones became elevated, however, he heard § 87(2)(b) say to the officers, “Give me your badge numbers.” § 87(2)(b) turned and saw PO Lovera and PO Sferrazza standing next to § 87(2)(b) at the rear of the vehicle. He did not see Sgt. Powers at this time. Neither PO Lovera nor PO Sferrazza responded to § 87(2)(b)'s request.

§ 87(2)(b) (Board Review 07), who is § 87(2)(b)'s boyfriend § 87(2)(b), stated that he first learned about this incident via a telephone call from § 87(2)(b). § 87(2)(b) explained to him that following a dispute with a sergeant during a vehicle stop, she had asked the sergeant and his officers for their names. According to § 87(2)(b), the sergeant asked, “You want names?” and instructed her to report to his command. § 87(2)(b) asked § 87(2)(b) if she had eventually obtained the sergeant's name, and she said that she had not. § 87(2)(b) also later reported to § 87(2)(b) that one of the officers in question told her that she should never have asked the officers for their names.

Sgt. Powers (Board Review 03) confirmed that § 87(2)(b) asked him for his name during their conversation at the intersection of Marcus Garvey Boulevard and Monroe Street in Brooklyn. He also stated that she asked him for his shield number. According to Sgt. Powers, he verbally identified himself to § 87(2)(b) providing her with his name and shield number. She was standing immediately in front of him and he was confident that she heard his response. She never indicated that she believed that she had not been provided with the requested information. Sgt. Powers never heard § 87(2)(b) asking PO Lovera or PO Sferrazza for their names at any time.

Both PO Sferrazza (Board Review 08) and PO Lovera (Board Review 02) denied that § 87(2)(b) ever asked for their names and denied that they refused to provide her with any identifying information. They also stated that they were unable to hear the content of § 87(2)(b)'s conversation with Sgt. Powers at the intersection of Marcus Garvey Boulevard and Monroe Street in Brooklyn and did not know whether or not § 87(2)(b) ever asked Sgt. Powers for his name. They both stated that § 87(2)(b) never appeared to address them directly. Lastly, while they both confirmed that they discussed the vehicle stop with § 87(2)(b) at the 81st Precinct stationhouse, they denied that there was any conversation about her having made any request for their names.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation D: Abuse of Authority—At the 81st Precinct stationhouse, Sergeant Erik Powers detained § 87(2)(b)

It is undisputed that § 87(2)(b) was detained pursuant to an open bench warrant bearing the name § 87(2)(b).

§ 87(2)(b) (Board review 06) stated that during the vehicle stop, PO Sferrazza looked through the window and said that he recognized § 87(2)(b). PO Sferrazza was not familiar to § 87(2)(b). Although § 87(2)(b) told PO Sferrazza that § 87(2)(b) did not live in the area, PO Sferrazza said, “I know you.”

Subsequently, after § 87(2)(b) drove to and entered the 81st Precinct stationhouse, § 87(2)(b) entered the stationhouse to check in on § 87(2)(b) and waited with her in an office. There, Sgt. Powers approached § 87(2)(b) and asked for his identification. § 87(2)(b) provided his New York State driver license (Board Review 09) and asked if he was under arrest. Sgt. Powers said that he was not under arrest but also instructed him to wait where he was. After approximately twenty minutes, either PO Lovera or PO Sferrazza approached him and said, “§ 87(2)(b)

§ 87(2)(b) was familiar with an individual by the name § 87(2)(b). He had been friends with § 87(2)(b) approximately fifteen years prior to the incident, when they went to night clubs together. He had not interacted with § 87(2)(b) since roughly 2004 or 2005.

§ 87(2)(b) had never used § 87(2)(b) name as his own and did not believe that § 87(2)(b) had ever used § 87(2)(b) s name as his own. However, years prior to this incident (possibly in 2003), when § 87(2)(b) was arrested (possibly for § 87(2)(b)), officers searched his vehicle and discovered § 87(2)(b) backpack, which § 87(2)(b) had left in the vehicle. § 87(2)(b) identification was in the backpack. The officers present for that incident asked § 87(2)(b) if § 87(2)(b) identification was his. § 87(2)(b) said that it was not and provided his own identification to the officers. § 87(2)(b) was arrested under his own name, and not under § 87(2)(b). § 87(2)(b) did not know if any officer recorded that § 87(2)(b) identification was recovered from § 87(2)(b) s vehicle. On no other occasion had there been any confusion as to § 87(2)(b) s identity. § 87(2)(b) had been stopped and/or arrested numerous times since the above-described arrest and there had never been any confusion regarding his identity. For example, he had received a ticket on § 87(2)(b) (Board Review 10). No one had ever suggested that he might be § 87(2)(b).

§ 87(2)(b) told the officer in question that he was not § 87(2)(b) and that his name was § 87(2)(b). However, the officer said that § 87(2)(b) had an open warrant for § 87(2)(b) and was under arrest. § 87(2)(b) argued that he had already provided identification bearing the name § 87(2)(b) and that when he had recently received a traffic ticket, there had been no issue regarding an open warrant. § 87(2)(b) said that the officers were mistaken. Nonetheless, an officer placed § 87(2)(b) in handcuffs, brought him to the desk, and then lodged him in a holding cell. § 87(2)(b) repeated that he was not § 87(2)(b) and asked Sgt. Powers, PO Lovera, and PO Sferrazza to take his fingerprints. However, he received no response to these protests.

Sgt. Powers, PO Sferrazza, and PO Lovera each spoke with § 87(2)(b) while he was lodged in a cell. These officers each held paperwork which § 87(2)(b) was unable to see. The officers appeared to read from these papers and then looked at § 87(2)(b) asking him if he had been shot in the stomach. He replied that he had never been shot, lifted his shirt, and displayed his abdomen in order to demonstrate that he bore no scar from any shooting. § 87(2)(b) knew that § 87(2)(b) had been shot and believed that the officers were attempting to confirm his identify as § 87(2)(b). The officers also asked § 87(2)(b) to show them his tattoos. He had tattoos on the insides of his right and left forearms, and a small and very faded tattoo on his left cheek, but no

other tattoos. However, the officers told him that they believed he had additional tattoos and they asked to see them. He informed that that he had none.

§ 87(2)(b) remained in the holding cell until the morning of January 21, 2018, at approximately 10:00 AM or 11:00 AM. Officers who were previously uninvolved in the incident transported him to central booking. There, he informed his attorney, § 87(2)(b) of Brooklyn Defender Services, that he was not § 87(2)(b). § 87(2)(b) obtained a movement slip bearing a photograph of § 87(2)(b) which she subsequently provided to § 87(2)(b) and to the investigation (Board Review 11). When § 87(2)(b) and § 87(2)(b) appeared in court, the judge agreed that § 87(2)(b) was not § 87(2)(b). The judge released § 87(2)(b) who was not charged with any criminal offense.

As noted above, § 87(2)(b) (Board Review 01) testified that during the vehicle stop, PO Sferrazza said that he recognized § 87(2)(b). § 87(2)(b) took this to mean that PO Sferrazza believed § 87(2)(b) might be a criminal. She later spoke with PO Sferrazza at the 81st Precinct stationhouse, but he did not clarify why he had said that he recognized § 87(2)(b). § 87(2)(b) (§ 87(2)(b) boyfriend) (Board Review 07), § 87(2)(b) (§ 87(2)(b) and § 87(2)(b)'s mother) (Board Review 12), and § 87(2)(b) (§ 87(2)(b)'s fiancée) (Board Review 13) also visited the 81st Precinct stationhouse on the evening in question. They each learned that officers detained § 87(2)(b) pursuant to an open warrant. However, neither § 87(2)(b) nor § 87(2)(b) nor § 87(2)(b) nor § 87(2)(b) had any further insight into the reasoning behind his detention.

§ 87(2)(b) stated that when she returned to the 81st Precinct stationhouse on the morning of January 21, 2018, § 87(2)(b) was still in a holding cell. An officer asked her if § 87(2)(b) used any aliases. § 87(2)(b) had no knowledge of § 87(2)(b) ever using an alias and told the officer so. Later the same day, when officers transported § 87(2)(b) to Brooklyn Central Booking for arraignment, § 87(2)(b) followed. At central booking, § 87(2)(b) spoke with § 87(2)(b)'s transport officers, who told her that § 87(2)(b) would be arraigned under a false name because he had used a false name when he had been arrested, and that this false name then appeared on a warrant. § 87(2)(b) was present in the courtroom for § 87(2)(b)'s arraignment, where she learned that he was detained under the name § 87(2)(b). § 87(2)(b) had never heard this name before.

§ 87(2)(b) of Brooklyn Defender Services (Board Review 14) stated that § 87(2)(b) was returned on a warrant for an individual named § 87(2)(b) (or some similar name; she was uncertain). At arraignment, § 87(2)(b) was provided with the movement slip pertaining to § 87(2)(b)'s arrest for a violation of § 87(2)(b) (§ 87(2)(b)). § 87(2)(b) explained to § 87(2)(b) that he was not § 87(2)(b) and at arraignment the judge agreed that § 87(2)(b) was not § 87(2)(b). § 87(2)(b) was therefore released.

Minutes from § 87(2)(b)'s arraignment (Board Review 15) reveal that § 87(2)(b) provided § 87(2)(b)'s identification (Board Review 09) and § 87(2)(b) movement slip (Board Review 11) as evidence that § 87(2)(b) and § 87(2)(b) were not the same individual. After an off-the record discussion, the Honorable Judge Ruth Shillingford pointed out that the two individuals' respective dates of birth did not match and that, based on the photo included on the movement slip, § 87(2)(b) appeared to be significantly larger than § 87(2)(b). Judge Shillingford also stated

that while there was some similarity between their facial features, she believed them to be two different individuals. She released § 87(2)(b) on his own recognizance.

Note that the investigation obtained a photograph of § 87(2)(b) at the time of his March 13, 2018 CCRB interview (Board Review 16). Also note that the investigation received a negative result for § 87(2)(b) arrest photo (Board Review 17).

PO Sferrazza (Board Review 08) confirmed that during the vehicle stop, he announced that he believed he recognized § 87(2)(b). However, PO Sferrazza stated that he was uncertain why he believed he might recognize § 87(2)(b) and characterized this remark as innocuous. He was not concerned with § 87(2)(b)'s criminal history. Both PO Sferrazza and PO Lovera (Board Review 02) stated that they were speaking with § 87(2)(b) in the 81st Precinct muster room when officers discovered an open warrant associated with § 87(2)(b) and consequently detained him. Both officers stated that they were in no way involved in the decision to detain § 87(2)(b) and learned only that that he had been detained pursuant to an open warrant. Neither PO Sferrazza nor PO Lovera performed any database check for § 87(2)(b) or saw the result of any pertinent database check. Further, they each stated that they were unaware of any discrepancy between the name on § 87(2)(b)'s identification and the name on the warrant in question. They took no steps to confirm § 87(2)(b)'s identity, such as comparing a photograph or descriptions of scars or tattoos to § 87(2)(b)'s actual appearance. According to PO Lovera, they deferred to Sgt. Powers under these circumstances.

Sgt. Powers (Board Review 03) stated that he had no knowledge of § 87(2)(b) prior to this incident and that neither § 87(2)(b)'s identity nor his criminal history were of concern during the vehicle stop. Sgt. Powers was concerned only with § 87(2)(b)'s behavior. Sgt. Powers did not recall § 87(2)(b)'s name as of the date of his CCRB interview. According to Sgt. Powers, he became concerned with § 87(2)(b) only when § 87(2)(b) arrived at the 81st Precinct stationhouse of his own accord. Sgt. Powers had no information about § 87(2)(b)'s criminal history or any possible aliases. However, an unidentified duty captain, who had responded to the 81st Precinct stationhouse in order to investigate the dispute between Sgt. Powers and § 87(2)(b), asked § 87(2)(b) for his identification. This was typical procedure for an investigation regarding a confrontation involving an off-duty member of service. The investigating duty captain wanted to know with whom the off-duty member of service associated. Sgt. Powers did not know to whom § 87(2)(b) gave his identification, but the identification was ultimately provided to Sgt. Powers.

Sgt. Powers checked the information from § 87(2)(b)'s identification in an NYPD database. He did not recall which database he used. He entered the name and date of birth from the identification, but did not recall this specific name or date of birth at the time of the CCRB interview. During the CCRB interview, Sgt. Powers was shown a copy of § 87(2)(b)'s photo identification. Sgt. Powers did not recall if the information on this identification was the same as the information on the identification which § 87(2)(b) provided at the 81st Precinct stationhouse that day. Sgt. Powers did not recall specifically if the identification in question bore the name § 87(2)(b) or if it bore a different name.

During the CCRB interview, Sgt. Powers was shown a record of warrant audit database checks performed for § 87(2)(b) which showed that Sgt. Powers performed the first such check on January 20, 2018, at 6:10 PM (Board Review 18).

When Sgt. Powers ran the information obtained from § 87(2)(b)'s identification through an NYPD database, the database showed an active bench warrant listed under § 87(2)(b)'s name and photograph.

During the CCRB interview, Sgt. Powers was informed that the CCRB's investigation satisfactorily identified the individual in question as § 87(2)(b) born § 87(2)(b), but that § 87(2)(b) was detained under the name § 87(2)(b) and that the warrant in question bore the name § 87(2)(b). Sgt. Powers was also shown the photograph of § 87(2)(b) taken at the CCRB, and the photograph of § 87(2)(b) pictured on the movement slip from the § 87(2)(b) arrest in regard to which the warrant was issued.

When asked why a database check for § 87(2)(b) returned a warrant bearing the name § 87(2)(b), Sgt. Powers stated that the database provided the name § 87(2)(b) as an alias for § 87(2)(b). Sgt. Powers stated that NYPD databases do not limit results based only on the provided name and date of birth. If there is a reason to believe that two names are associated with the same individual – for example, because of matching fingerprints or NYSID numbers – then NYPD databases will show the same information associated with both names. It is unimportant which name is provided if there exists independent cause to believe that two names are associated with the same individual.

When Sgt. Powers saw that there was an active bench warrant associated with § 87(2)(b), he informed duty captain of the warrant. The duty captain instructed that § 87(2)(b) be placed under arrest. Sgt. Powers did not know who placed § 87(2)(b) in handcuffs or lodged him in a cell.

Sgt. Powers stated that there was no confusion as to whether the open warrant in question was associated with § 87(2)(b). No one compared a photograph from an NYPD database with § 87(2)(b)'s appearance. Sgt. Powers did not recall anyone investigating to see whether § 87(2)(b) had any scar or tattoo associated with the individual for whom the warrant had been issued. Because there was no new arrest, § 87(2)(b) was not fingerprinted. Sgt. Powers did not remember § 87(2)(b) protesting that he did not have an open warrant or making any remark about having been recently arrested or summonsed.

Sgt. Powers stated that the only information on which he acted was that which the database showed. There was no factor other than the result of the database check which influenced § 87(2)(b)'s detention, and § 87(2)(b) was not detained for any reason other than the warrant. Sgt. Powers and the other officers present saw the photo of § 87(2)(b) in the database and were “comfortable” in their belief that the warrant was for him.

Note that Sgt. Powers never learned the result of § 87(2)(b)'s arraignment.

The 81st Precinct command log (Board Review 19) and prisoner holding pen roster (Board Review 20) confirm that § 87(2)(b) was detained under the name § 87(2)(b). Further, the investigation obtained a copy of the bench warrant naming § 87(2)(b) (Board Review 21).

While BADS reveals that both § 87(2)(b) and § 87(2)(b) have NYSID histories (Board review 22 and 23), the investigation was unable to obtain a DAS snapshot for either § 87(2)(b) or § 87(2)(b) as the NYPD no longer provides these records to the CCRB (Board Review 24). As such, the investigation was unable to determine whether or not NYPD records provide Tavar

Johnson's name as an alias for § 87(2)(b) or whether the warrant for § 87(2)(b) is associated with § 87(2)(b) in NYPD records.

It is undisputed that as of January 20, 2018, there existed an open bench warrant for § 87(2)(b). As noted above, Sgt. Powers testified that when he performed a database check for the information obtained from § 87(2)(b)'s identification, the database results showed that the name § 87(2)(b) was an alias for § 87(2)(b) and thus that there was an open warrant for § 87(2)(b). Neither PO Sferrazza nor PO Lovera saw the result of the database check and they had no information as to the discrepancy between the name on the warrant and the name of the individual who was detained in regards to § 87(2)(g).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 25).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 26).
- Sgt. Powers has been a member of service for eleven years and has been a subject in seventeen prior CCRB complaints with forty-three allegations, of which five were substantiated (Board Review 27):

- Case #201407556 involved a substantiated entry and search allegation. The Board recommended charges and the NYPD imposed no penalty.
- Case #201606619 involved a substantiated entry and search allegation and a substantiated allegation that he wrongfully authorized the issuance of a summons. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
- Case #201608616 involved a substantiated threat of force allegation. The Board recommended Command Discipline A and the NYPD imposed no penalty.
- Case #201707372 involved a substantiated discourtesy allegation. The Board recommended Instructions and the NYPD has not yet reached a disposition.
- PO Lovera has been a member of the NYPD for five years and has been a subject in six other CCRB complaints with ten allegations, none of which have been substantiated (Board Review 28). § 87(2)(g)
- PO Sferrazza has been a member of the NYPD for seven years and has been a subject in three prior CCRB complaints with four allegations, none of which were substantiated (Board Review 29). § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of new York claiming false arrest and seeking \$5,000,000.00 as redress (Board Review 30). There is no 50H hearing scheduled.
- § 87(2)(b)

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date